



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,022	11/30/2000	Masami Kato	35.C14963	9969

5514 7590 10/02/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
----------	--------------

2674

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,022

Applicant(s)

KATO ET AL.

Examiner

Abbas I Abdulsalam

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,9-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,9-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/28/03 have been fully considered but they are not persuasive.

Applicant argues that Seligmann (USPN 6330022) and Hardy (USPN 6025870) alone or in combination do not teach “automatically changing the display of certain virtual space to a display of a virtual space for rest in response when a user is determined in the monitoring step to have been in a predetermined condition from more than predetermined time”. However as shown in the art rejection below, Hardy teaches a videoconferencing (1) including a video switch (30), which performs switching operations and provides selected local video information for subsequent display on monitor (50). Hardy also teaches that the event information provided by a notification allows the video conferencing to determine when the switching occurs. Furthermore, Hardy teaches switch delay operation (340) during which a switch-delay time is set by SmartVCR engine (240). See col. 10, lines 4-15 and Fig. 3. It would have been obvious that event information provided by notification can be used to determine the desired predetermined condition, and SmartVCR engine (240) can be used to set the desired predetermined time.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7, 9-14 and 16-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligmann (USPN 6330022) in view of Hardy (USPN 6025870).

Regarding claims 1, 3, 5, 12 and 18, Seligmann teaches participants or conferees (100, 110, 120 130) of a video conference with each participant connected via a local network, wide area network or any other network structure (150) to a conference bridge (160) and a processor /server (170). Seligmann teaches the conference bridge receiving four separate video signals, one video signal for each conferee over respective links (102, 112, 122, 132). Seligmann teaches video processing circuitry with respect to each terminal (101, 111, 121 131) enabling the generation of a conference image (520). See col. 7, lines 14-31 and Fig 5. Seligmann teaches each participant uses its terminal as an intelligent communication device such as a terminal (101), which include a telephone, a personal computer, a camera and microphone. See col. 5, lines 51-58. Furthermore, Seligman teaches a conferee control system including the use of a network blackboard, which is a virtual space for conferees to make certain data, video or other entries that can be observed by other conferees. In addition, Seligmann teaches multimedia video

Art Unit: 2674

conferencing in terms of distributed computer program as well as stored in memory and processor/server (170) or memory (441). See Fig. 6 and col. 1, lines 43-46. However, Seligmann does not specifically teach the use of a terminal device coupled with a server configured in the "main office". Seligmann does teach a scenario where each participant viewing the image of all participant including the view of self. See col. 5, lines 15-16.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize Seligmann's "self view" in a video conferencing which can be used to make all conferees of the conference viewable. One would have been motivated that the inclusion of "self view" along with the views of other participants is functionally equivalent the desired view seen in the main office. The use of "self view" in a video conferencing helps display all the images of the participants as taught by Seligmann.

Seligmann has been discussed above. However, Seligmann does not disclose "a control step of automatically changing the display of certain virtual space to a display of a virtual space for rest on the basis of the result in monitoring step so that the user in changed virtual space for rest can communicate with other users existing in common virtual space for rest". Hardy on the other hand teaches a videoconference system (1) including video switch (30), which performs switching operations and provides selected local video information for subsequent display on monitor (50). Hardy also teaches that the event information provided by a notification allows the videoconferencing system to determine when the switching should occur. See Fig 1.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify seligmann's video conferencing system to include Hardy's video switch along with event notification. One would have been motivated in view of the suggestion

Art Unit: 2674

in Hardy that the video switch along with event notification is functionally equivalent to the desired controlling step including the monitoring step. The use of video switch helps function the process of videoconferencing as taught by Hardy.

Regarding claims 10 and 17, Seligmann teaches events occurring during a set-up and during the conference with each participant making their own selection and an image being created of a virtual conference space.

Regarding claims 6 and 13, Seligmann teaches a video processor (410) in connection to the images of the participants. See col. 9, lines 20-33.

Regarding claims 7 and 14, Seligmann teaches an actual virtual conference room portion (510) or a video presentation portion (530) and option icon portion (520) for selecting conference options. See col. 9, lines 67 and col. 10, lines 1-3.

Regarding claims 9, and 16, Seligmann teaches that a participant may select a context for a virtual conference including the use of voice activated actuations. See col. 4, lines 41-43.

Regarding claims 11 and 19, Seligmann teaches a server (170) establishing communication with all identified participants. See Fig 12, lines 17-25.

Art Unit: 2674

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abduselam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

Art Unit: 2674

or faxed to:

(703) 872-9314

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

Art Unit 2674

September 30, 2003


RICHARD WIERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600